

# Exhibit E

FILED

2013 APR 15 P 3:27

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

JESSICA ESPARZA, et al.	)	CASE NO. CV 13 798996
	)	
Plaintiffs	)	JUDGE KATHLEEN ANN SUTULA
	)	
v.	)	SECOND
	)	
THOMAS GERALD KLOCKER, et al.	)	<u>AMENDED COMPLAINT</u>
	)	(Jury Demand Endorsed Hereon)
Defendants	)	

FIRST CAUSE OF ACTION

(Malicious Civil Prosecution)

1. Plaintiff, Jessica Esparza is a U.S. citizen and resides in Westlake, Ohio.
2. Plaintiff, A Metal Source, LLC fka All Metal Source, LLC is an Ohio limited liability company with its principal place of business in Westlake, Ohio.
3. Defendant, All Metal Sales, Inc., is an Ohio corporation with its principal place of business located at 29260 Clemens Road, Suite #3, Westlake, Ohio 44145.
4. Defendant, Thomas Gerald Klocker is a U.S. citizen and resides in Rocky River, Ohio.
5. On or about September 2, 2010, Plaintiff(s) received a cease and desist letter addressed to Plaintiff, Jessica Esparza insisting that she cease and desist the use of the phrase "**All Metal**" in the name of her metal distributing business and asserted that Defendant, All Metal Sales, Inc. owned the right to the All Metal mark and that her use

of the phrase “**All Metal**” was in violation of the Lanham Act, Ohio statutes and common law; a copy of said letter is attached hereto and made a part hereof and further designated as Exhibit A.

6. On October 8, 2010, Plaintiff sent in a certificate of amendment to the Ohio Secretary of State changing her company name from All Metal Source, LLC to A Metal Source, LLC which was finalized by the State of Ohio on October 19, 2010; a copy of said amendment is attached hereto and made a part hereof and further designated as Exhibit B.

7. On or about October 14, 2010, Defendants filed an action against Plaintiffs in the United States District Court, Northern District of Ohio, Eastern Division which was assigned Case No. 1:10-CV-02343 (hereinafter referred to as ‘the underlying federal action’) alleging various causes of action including unfair competition under the Lanham Act, 15 U.S.C. §1125(a)(1)(A); violation of the Ohio Deceptive Trade Practices Act, Ohio Rev. Code §4165.01 *et seq.*; unfair competition and unjust enrichment based upon Plaintiff’s alleged infringement of Defendant’s trademark “**All Metal**” and its logo.

8. Through the litigation process, Defendants became aware that Plaintiff has changed its corporate name from All Metal Source, LLC to **A Metal Source, LLC**, but refused to terminate the litigation.

9. During the underlying federal action, Defendants’ counsel then began insisting and asserting that Defendant owned the right to the “**A Metal**” mark and the literal element “A” and that Plaintiff’s use of the phrase, “**A Metal**” and the literal element “A” in the name of her metal distributing business was still in violation of the Lanham Act.

10. At the time Defendants filed the underlying federal action against Plaintiffs, there were 7 other companies registered in the State of Ohio that also used the words, “All Metal” in their company name, yet Defendants only sued Plaintiffs for alleged causes of actions; a copy of a print-out from the Ohio Secretary of State’s website listing these companies is attached hereto and made a part hereof and further designated as Exhibit C.

11. In the underlying federal action, Defendants also alleged that Plaintiffs violated the Lanham Act and otherwise engaged in unfair competition by virtue of the fact that Plaintiffs advertised on “ThomasNet”, a widely used buying guide that reports names and descriptions of businesses that offer particular goods and services, in a manner that would confuse the two companies, yet there are currently over 50 companies in the United States which also use the term “All Metal” in their company names and the evidence will demonstrate at the time of filing there were many in existence then, too; a copy of a print-out from ThomasNet.com is attached hereto and made a part hereof and further designated as Exhibit D.

12. On January 7, 2012, the jury returned a verdict in favor of Plaintiffs having answered “no” to all interrogatories proposed to the panel.

13. On January 9, 2012, the District Court entered judgment for the Plaintiffs herein on all accounts brought in the underlying federal action and ordered Defendant to pay all costs.

14. On February 6, 2012, Defendants filed a motion for Judgment as a Matter of law or for a new Trial in the underlying federal action which was further designated on the federal court’s docket as DOC#\$71 and #71-1 and said motion was denied.

15. In the underlying federal action, Defendant, Thomas Gerald Klocker did not have probable cause to bring the action as he based it on the false basis that his business had a registered trademark with the State of Ohio since 1999 when , in fact, his business's State of Ohio Trademark Certificate is dated February 24, 2011, *four months after he instigated* the underlying federal litigation against Plaintiff.

16. In the underlying federal action, Defendants claimed it/he had a federal trademark over the words "all metal", when in fact, it did not acquire a federal trademark until March 13, 2012, *two months* after the trial ended and this trademark does not contain the words, "**All Metal**" nor **A Metal**", a copy of Defendants' federal trademark Registration Certificate No. 4111084 is attached hereto and made a part hereof and further designated as Exhibit E.

17. In the underlying federal litigation, Defendant's father, Thomas Paul Klocker testified before the jury that his son, Defendant, Thomas Gerald Klocker stated to him that he had already spent hundreds of thousands of dollar in another case regarding the color of tile to be installed in his home and that he was willing to spend that and more to make sure Plaintiffs' business failed; he also submitted a letter to Judge Donald C. Nugent in that case and which was documented as ECF#42 in that action stating the same.

18. Plaintiffs further say that Defendants' lawsuit against it was objectively baseless in that he did not have probable cause to bring the same as he had neither trademarks he asserted and specifically stated to his father his reason for bringing the suit; the underlying federal action against it without probable cause to do so and that the

proceedings terminated in its favor and that its property was seized during the prior proceedings and used by Defendants to cause further economic harm to the Plaintiffs.

19. Plaintiffs further say that as a direct and proximate cause of Defendants' malicious civil prosecution against them, they have been damaged and expect to incur further damages in the future.

WHEREFORE, Plaintiffs pray for judgment against Defendants on their First Cause of Action in a sum in excess of Twenty Five Thousand Dollars (\$25,000), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, and for such other and further relief as may be just and equitable in the premises.

#### SECOND CAUSE OF ACTION

##### Vexatious Litigator

20. Plaintiffs reaver and reallege each and every averment and allegation contained in Paragraphs 1 through 19 of this Complaint as if specifically rewritten herein and hereby incorporates the same by reference.

21. On October 15, 2012, Defendant instigated yet another law suit against GKN Aerospace New England, Inc. assigned Case No. CV-12-793534 arising out of a transaction in 2007 and Defendant has also been involved in numerous legal cases in both state court and federal court which will be further evidenced at the trial of this matter.

22. Plaintiffs further say that Defendant(s) have habitually, persistently and without reasonable grounds or probable cause engaged in vexatious conduct in the

underlying federal action and she believes in other actions as well which served to merely harass or maliciously injure her and/or others.

23. Plaintiffs further say that as a direct and proximate result of Defendants' vexatious litigation, she/it have been damaged and expects to incur further damages in the future and that she spent about \$88,000 in defense of the underlying litigation and has lost income, too.

WHEREFORE, Plaintiffs pray for judgment against Defendant on their Second Cause of Action in a sum in excess of Twenty Five Thousand Dollars (\$25,000), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, an order declaring Defendants to be vexatious litigators, and for such other and further relief as may be just and equitable in the premises.

### THIRD CAUSE OF ACTION

(Unjust Enrichment)

24. Plaintiffs reaver and reallege each and every averment and allegation contained in Paragraphs 1 through 23 of the within Complaint as if specifically rewritten herein and hereby incorporate the same by reference.

25. Plaintiffs further state that after the termination of the underlying action, and as a result of the trade secrets and/or proprietary information conferred upon Defendants by Plaintiffs of which Defendants have knowledge, Defendants retained the benefits of these information and used the same in a course of conduct that has taken away Plaintiff's clients and profited therefrom, have contacted Plaintiff's customers and slandered Plaintiff, copied Plaintiff's trade secrets and proprietary information and has otherwise unjustly enriched itself at Plaintiff's cost for which it has not compensated the

Plaintiffs and that this money and/or benefits in justice and equity belong to the Plaintiffs.

26. Plaintiffs further state that as a direct and proximate cause of the unjust enrichment of Defendants, they have been damaged and expect to be further damages in the future.

WHEREFORE, Plaintiffs pray for judgment against Defendants on their Third Cause of Action in a sum in excess of Twenty Five Thousand Dollars (\$25,000), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, and for such other and further relief as may be just and equitable in the premises.

#### FOURTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

27. Plaintiff, Jessica Esparza reavers and realleges each and every averment and allegation contained in Paragraphs 1 through 26 of the within Complaint as if specifically rewritten herein and hereby incorporates the same by reference.

28. Plaintiff, Jessica Esparza further states that Defendant, Thomas Gerald Klocker sued her in the underlying federal action with intentional design to injure her and her business as evidenced by the statements he made to others and his conduct and activity after the underlying litigation terminated.

29. Plaintiff, Jessica Esparza further states that not only did Defendant, Thomas Gerald sue her without probable cause and with the intent to inflict serious physic injury upon her, after the litigation or ruling on her counterclaim, he knowingly and intentionally inflicted serious physic injury upon her by contacting her clients, slandering her, taking

away business from her and stealing her clients, by intentionally manipulating his or her website, Defendant, Thomas Gerald Klocker to attract her clients or to interfere with clients reaching her website.

30. Plaintiff further says that the intentional conduct of Defendants that has inflicted emotional distress upon her would be considered outrageous and extreme in a civilized community.

31. Plaintiff, Jessica Esparza further states that as a direct and proximate cause of Defendant, Thomas Gerald Klocker's intentional infliction of emotional distress upon her, she has suffered physical injury manifesting itself in sleeplessness, anxiety, stomach aches, depression, headaches, trauma, loss of income, loss of interest in her regular activities, nightmares and fear due to threats Defendant, Thomas Gerald Klocker has made, some of which were perfected.

WHEREFORE, Plaintiffs pray for judgment against Defendants on her Fourth Cause of Action in a sum in excess of Twenty Five Thousand Dollars (\$25,000), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, and for such other and further relief as may be just and equitable in the premises.

#### FIFTH CAUSE OF ACTION

(Defamation)

32. Plaintiffs reaver and reallege each and every averment and allegation contained in Paragraphs 1 through 31 of their Complaint as if specifically rewritten herein and hereby incorporates the same herein by reference.

33. Plaintiffs further state that Defendant, Gerald Thomas Klocker has made defamatory comments about her to others, some of whom were her customers, knowing the statements to be false or with a high degree of certainty that the statements were false, and that, in fact, the statements were false, to the effect that she is dishonest, incompetent, immoral, unfair or otherwise unscrupulous in her private and business affairs, or that he caused them to so believe the same based on what he said as shall be further demonstrated at the trial of this matter and that some of this defamation may have taken place in a trade magazine which will be further ferreted out via discovery.

34. Plaintiff, Jessica Esparza further states that as a direct and proximate result of the utterances of these statements, she has been damaged in her business reputation and personal reputation and expects to be further damaged in the future.

WHEREFORE, Plaintiff, Jessica Esparza prays for judgment against Defendant, Gerald Thomas Klocker on her Fifth Cause of Action in an amount in excess of Twenty Five Thousand Dollars (\$25,000) ), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, and for such other and further relief as may be just and equitable in the premises.

#### SIXTH CAUSE OF ACTION

(Intentional Interference with a Business Relationship)

35. Plaintiffs reavers and reallege each and every averment and allegation contained in Paragraphs 1 through 34 of their Complaint as if specifically rewritten herein and hereby incorporate the same by reference.

36. Plaintiffs further state that they have reason to believe that by using Plaintiffs' website strategies, other confidential information, her sales and purchase

reports, and other documents, Defendants interfered with prospective contractual relationships Plaintiff had with others and Defendants knew this and intentional interference with the same to the extent that the relationship was either damaged or terminated and that it has lost profits and potential referral business and that since the underlying litigation ensued and continuing thereafter, it has, in fact, seen its actual customer list dwindle despite their best efforts to run the business as efficiently as it always has done.

37. Plaintiffs further state that some of their regular customers are no longer ordering and that some quotes they gave did not result in a customer placing a purchase order which used to be a very rare occurrence.

38. Plaintiffs further state that in the underlying action, Defendant, Thomas Gerald Klocker testified about what he referred to as market confusion or a similar notion and that he basically admitted that he had taken purchase orders from customers to whom Plaintiffs' had provided a quote and that she believes through his/its intentional actions, he continues this course of conduct or made it come to a reality.

39. Plaintiffs further say that as a direct and proximate result of Defendants interference with their business relationships, they have been damaged and expect to incur further damages in the future.

WHEREFORE, Plaintiffs pray for judgment against Defendants on their Sixth Cause of Action in an amount in excess of Twenty Five Thousand Dollars (\$25,000), an award of punitive damages, plus attorney's fees and costs, interest both pre-judgment and post-judgment, and for such other and further relief as may be just and equitable in the premises.

SEVENTH CAUSE OF ACTION

"Intentional Interference with a Business Contract"

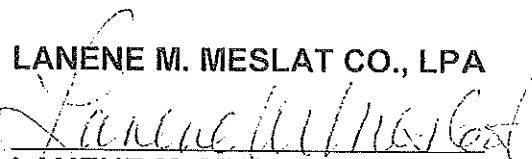
40. Plaintiffs reavers and reallege each and every averment and allegation contained in Paragraphs 1 through 39 of their Complaint as if specifically rewritten herein and hereby incorporate the same by reference.

41. Plaintiffs further state that they have reason to believe that Defendants also used Plaintiffs' website strategies, other confidential information, her sales and purchase reports, and other documents, to interfere with existing contracts of the plaintiff the existence of which become known to the Defendants and that inappropriately and intentionally caused the contract to be breached without justification and that by doing so, it damaged Plaintiffs.

42. Plaintiffs further state that Plaintiffs' conduct caused Plaintiff's contracts not only to be breached, but caused the customers to contract with Defendants for the same or other orders and that the number of contracts it now fills has been reduced since Plaintiff's conduct began.<sup>1</sup>

43. Plaintiffs further state that as a direct and proximate result of Defendants' intentional interference with their business contracts, they have been damaged and expect to incur further damages in the future.

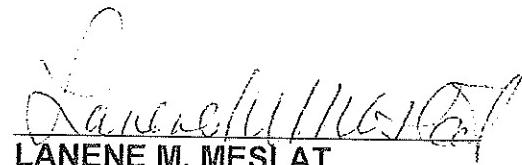
LANENE M. MESLAT CO., LPA

  
LANENE M. MESLAT/0074450

Attorney for Plaintiffs  
27070 Detroit Road, #102  
Westlake, Ohio 44145  
(440) 899-7405  
Fax: (440) 360-7468

CERTIFICATE OF SERVICE

A copy of the foregoing Second Amended Complaint was forwarded by regular U.S. mail, postage pre-paid, to Matthew J. Cavanagh, McDonald Hopkins LLC, 600 Superior Avenue, East, Suite 2100, Cleveland, Ohio 44114, *Co-counsel for Defendants*, and to Joseph A. Ferrante, 2 Summit Park Drive, Suite 540, Independence, Ohio 44131, *Co-counsel for Defendants*, this 15<sup>th</sup> day of April, 2013.

  
LANENE M. MESLAT  
Attorney for Plaintiff

McDonald Hopkins

Direct Dial: 216.430.2629  
E-mail: dcupar@mcdonaldhopkins.com

600 Superior Avenue, East  
Suite 2100  
Cleveland, Ohio 44114

• 216.348.5400  
• 216.348.5474

September 2, 2010

Certified Mail Return Receipt Requested

Ms. Jessica Esparza  
25935 Detroit Rd.  
Westlake, OH 44145

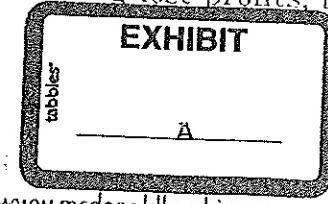
**Re:** Unlawful Use of ALL METAL Trademark and Unfair Competition

Dear Ms. Esparza:

We represent All Metal Sales Inc. ("All Metal"). As you well know based on your personal experience, All Metal has successfully owned and used its All Metal mark in connection with the sale of its metal materials to customers for many years. The All Metal mark is of great value and importance to All Metal and its business.

Knowing the value of the All Metal mark and the success of All Metal's business, you have copied All Metal's mark and begun using it in the *identical* business as does All Metal. Specifically, we found that you are selling the same metal materials under the name All Metal Source, LLC, and use the All Metal mark throughout your website [www.allmetalsource.com](http://www.allmetalsource.com) in connection with your business. Needless to say, but your copying of the All Metal trademark to enter the identical business selling the identical goods and services constitutes trademark infringement under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); a false designation of the original and false description under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and false registers, traffic in, or use of a domain name or trade name containing another's mark with a bad faith intent to profit from that mark under Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d); and violates the Ohio trademark and dilution statutes and law of unfair competition and misappropriation.

Your unlawful use of the All Metal mark with your corporate name and in your advertising and business unfairly capitalizes on the goodwill and reputation embodied in All Metal's products, services, and business. Customers already have mistakenly believed that your use of the All Metal mark is somehow authorized or sponsored by us or is somehow affiliated with All Metal. This further evidences your significant and willful unlawful activities. Based on these violations, All Metal is entitled to monetary damages including lost profits, treble damages, attorneys' fees and costs, and injunctive relief.

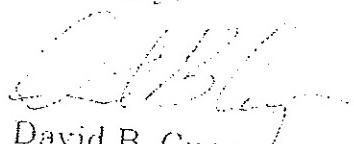


To ensure that you cease and desist of all unauthorized use of the All Metal marks or any marks confusingly similar to the All Metal marks on any corporate names, websites, products, advertisements, or in connection with any services, we request that you certify that:

- (1) you or any entity you are affiliated with or an agent of, immediately cease all use of All Metal or marks using All Metal or any domain name or mark confusingly similar to All Metal;
- (2) cease the use of all metal tag or other marker in your domain name or HTML source code using All Metal or anything confusingly similar to the All Metal mark; and
- (3) you or any entity you are affiliated with or an agent of, agree to cease any further corporate name, website use or advertising bearing the All Metal mark being a part thereof or any domain name, trade name, corporate name or mark confusingly similar to the All Metal mark.

Your signature on the line indicated below signifies your acceptance of the terms outlined in this letter. If we do not receive a full acceptance from you within seven (7) days of the date of this letter, we will proceed with all steps necessary to protect our client's goodwill in its goods and service marks and to stop your continued unlawful, willful infringement to confuse customers using the same mark for the same goods and services as All Metal.

Sincerely,



David B. Cupar

AGREED TO AND ACCEPTED BY:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

McDonald Hopkins



DATE: 10/22/2010	DOCUMENT ID 201029400947	DESCRIPTION AMEND/ARTICLES- ORGANIZATION/DOM. LLC (LAM)	FILING 50.00	EXPED .00	PENALTY .00	CERT .00	COPY .00
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**Receipt**  
This is not a bill. Please do not remit payment.

A METAL SOURCE, LLC  
25935 DETROIT ROAD  
CLEVELAND, OH 44145

**STATE OF OHIO**  
**CERTIFICATE**  
Ohio Secretary of State, Jennifer Brunner

1894781

It is hereby certified that the Secretary of State of Ohio has custody of the business records for  
A METAL SOURCE, LLC

and, that said business records show the filing and recording of:

Document(s)

AMEND/ARTICLES-ORGANIZATION/DOM. LLC

Document No(s):

201029400947

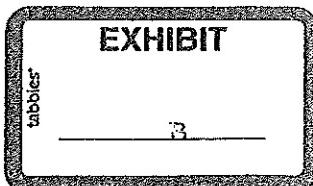


Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 19th day of October, A.D.  
2010.

*Jennifer Brunner*

Ohio Secretary of State

United States of America  
State of Ohio  
Office of the Secretary of State





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Corporate Search

Business Name  
 Business Name - Electrical  
 Business Search  
 Business/Charter Types  
 Business Name  
 Church Names

## Business Search by Name

Series Number	Business Name	Type	Created Date (Ex. 1)	Status	County	City	State
1537866	ALL METAL RECYCLING, INC.	CORPORATION FOR PROFIT	04/22/2005	Active	SATAYA	CLERMONT	-
1110598	ALL METAL SALES, INC.	CORPORATION FOR PROFIT	09/13/1969	Active	WESTLAKE	CUYAHOGA	-
527070	ALL METAL FABRICATORS INC.	CORPORATION FOR PROFIT	12/17/1973	Active	CLEVELAND	CUYAHOGA	OHIO
525178	DO ALL METAL FINISHING, INC.	CORPORATION FOR PROFIT	12/31/1970	Active	CLEVELAND	CUYAHOGA	OHIO
251410	ALL METAL PRODUCTS COMPANY	FOREIGN CORPORATION	12/01/1985	Canceled	Cleveland	CUYAHOGA	OHIO
216912	ALL METAL PRODUCTS COMPANY	FOREIGN CORPORATION	02/23/1999	Dead	Cleveland	CUYAHOGA	OHIO
111924	THE ALL METAL CASKET COMPANY	CORPORATION FOR PROFIT	09/16/1974	Canceled	MANSFIELD	PICKL AND	DELAWARE

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Total Number of Filings found: 7

[New Search](#)

EXHIBIT

C

tabloid

**ThomasNet.com**

Supplier Discovery &amp; Product Sourcing

**Company Name Results**

Displaying 1 to 25 out of 65 results

All Metal - Calgary, AB

Manufacturing

Manufacturer Offering Equipment Manufacturing, Machining &amp; Welding.

All Metal, Inc. - Toccoa, GA

Manufacturing, Custom Manufacturing, Service Provider

Manufacturer Of Textile Machine Parts; Repairing Service

All Metal Sales, Inc. - Cleveland, OH

Manufacturing, Distributor, Manufacturer

Custom manufacturer of titanium, nickel alloys, stainless steel, &amp; aircraft alloys along with other more common materials. Specializing in service to the aerospace, defense, nuclear &amp; petrochemical industries. Stock tube, sheet, plate, bar &amp; foil in many sizes, types &amp; forms from prototype to mill quantities, off the shelf &amp; custom made. Expedite &amp; AOG services available.

**Capabilities**

Plate All Metal Co. - Akron, OH

Manufacturing

Metal finishing and plating services. Types of plating include electroless nickel, industrial hard chrome, cadmium and bright acid tin plating. Capabilities include polishing, buffing, electropolishing, chemical etching and coating. Automotive, construction, military and general industrial markets served

All Metal Designs, Inc. - Hollis, NH

Manufacturing

Manufacturer Of " Operator Adjustable" Workstations and Accessories

All Metal Buildings, Inc. - Wolcott, CT

Manufacturing

Metal Buildings

All Metal Design - Longwood, FL

Manufacturing, Consulting Services, Service Provider

Manufacturer &amp; Service Company Offering Metal Design &amp; Fabrication Services

All Metal Fabrication, Inc. - Vallejo, CA

Manufacturing

Manufacturer Of All Metal Fabrications

All Metal Fabricators - Acton, MA

Manufacturing, Consulting Services, Service Provider

Manufacturer Of Custom Metal Fabrications, Plasma Cutting Service

All Metal Fabricators - Allen, TX

Manufacturing, Consulting Services, Service Provider

Manufacturer of steel fabrications; CNC machine work service

All Metal Fabricators, Inc. - Lowell, NC

Manufacturing, Consulting Services, Service Provider

Manufacturer Of Fabricators; Sheet Metal &amp; Machine Work Service

All Metal Fabricators, Inc. - Seattle, WA

Manufacturing, Consulting Services, Service Provider

Manufacturer of metal fabrications; Sheet metal work service

All Metal Fence - North Highlands, CA

Manufacturing

Fence Installation Services. Offers Core Drilling, Repair, Mobile Welding, Hole Drilling &amp; Certified Pipe Welding On Chain Link &amp; Iron Fences &amp; Handrails.

All Metal Polishing Co., Inc. - Newark, NJ

Manufacturing

Plating, Polishing, Metal Finishing Service

All Metal Recycling - Madison, WI

Manufacturing

Scrap Metal Dealers

All Metal Recycling, Inc. - Springfield, MO

Manufacturing

Recycling Service

All Metal Sales Corp - Great Neck, NY

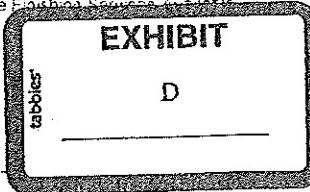
Manufacturing, Consulting Services, Service Provider

2000LB Minimum, Inventory, JIT &amp; Mill Direct Shipment Of Aluminum, Brass, Copper &amp; Stainless Steel In Coil, Strip, Sheet, Tube, Bar, Plate, Rod, Busbar, Circles,

Extrusions, Wire &amp; Custom Metal Products To Customer Prints. Complete Finishing Services Available.

EXHIBIT

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All Metal Specialties Inc. - Canastota, NY  
 100% Recycled Steel & Aluminum  
**Metal Fabrications**

All Metal Stamping Inc. - Abbottsford, VA  
 100% Recycled Steel & Aluminum  
**Manufacturer of builders' hardware.**

All Metal Works - Kingston, WA  
 100% Recycled Steel & Aluminum  
**Manufacturer & custom manufacturer of metal products such as spacers, standoffs, shepherd game gambrels, & ornamental art products. Ornamental products include wine racks, pot-racks, commercial display racks, interior, & exterior railings. Capabilities include welding & fabrication, custom design work, machining or fabrication of machine components. Applications include ornamental, commercial, residential, & marine.**

All Metal Fabrication Company - Glendale, AZ  
 Manufacturer, Distributor & Installer Of Custom Metal Products  
**Metal Fabrication Services Including Design & Manufacture Of Custom Packaged For Power Generators, Pumping Units & Fuel Tanks.**

All Metal Machine & Tool Co. - Macedonia, OH  
 Manufacturer, Custom Manufacturing, CNC, Gantry  
**CNC & General Machinery**

All Metal Manufacturing Services Inc. - Calgary, AB  
 Metal Manufacturer

All Metal Welding & Fabrication, Inc. - Hinsdale, IL  
 Metal Manufacturer, Service & Consulting  
**Manufacturer of steel fabrications service**

All Metal Welding/Fabrication - Hinsdale, IL  
 Metal Manufacturer, Manufacturer Of Custom Metal Products  
**Structural Metal & Iron Fabricating, Arc & Friction Welding**

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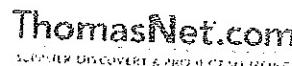
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## Company Name Results

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Apache All Metal Building - Jourdanton, TX  
Apache All Metal Building Company

Manufacturer Of Metal Buildings; Delivery Service

Co All Metal Fabricating Ltd. - Estevan, SK  
Metal Fabricator

Mk-All Metal Treating - Gastonia, NC  
Metallurgical Company

Heat Treating Service

Ran/All Metal Technology - Hooksett, NH  
Manufacturing, Custom Manufacturer, Service Company

Precision Sheet Metal Fabricators

Rohnert Park All Metal - Rohnert Park, CA  
Engineering, Fabrication, Service Company

Production machining, steel fabrication & welding services for marine, 4x4, motorcycle & restaurant industry.

All Metals Industries, Inc. - Locations

Manufacturer

Metal service center for aluminum, carbon steel & stainless steel providing cutting, shaping, machining & finishing of steel sheets, blanks, coils, plates, bars & shapes. Aluminum alloys include 2024, 6061, 6063, 7075, 1100, 3003, 5005, 5052, 5083, 5086, 5454 & 5456 grades. Stainless steel includes 304, 304L, 316, 316L, 409, 430 grades. Carbon steel available in commercial, drawing, high carbon, special killed (AKDQ), low carbon (.15 max), A-36, 44W, Grade 50 & special grades.

Treat All Metals, Inc. - Milwaukee, WI

Metal Manufacturing, Service Company

ISO 9001:2008 certified metal heat treating services from -120 degrees F to +2200 degrees F temperature for parts up to 9 ft. Capabilities include hardening, gas carburizing, carbonitriding, nitriding, quenching, normalizing, annealing, straightening, shot blasting, sub zero treatment, stress relieving & inspection. Suitable for various industries including automotive, defense, industrial, marine, mining, paper, plastic, racing, wind power & transportation. On-time delivery.

All Metals Fabricating, Inc. - Allen, TX

Metal Manufacturing

Sheet metal fabricating services. Capabilities include laser cutting, bending, punching, machining, milling, welding, polishing, sanding, deburring & finishing. Products include strappers, conveyors, frames, faceplates, mounts, carriage assemblies & automotive bumpers. Brand Names: Bystar, Bystronic

All Metals Engineering - Huntington Beach, CA

Manufacturing, Fabrication, Service Company

Distributor Of Bars, Rods, Sheet, Plate, Strip, Pipe, Tubing, Forgings

All Metals Fabricating Co., Inc. - Youngwood, PA

Manufacturing, Fabrication, Service Company

Manufacturer Of Metal Fabricators

All Metals Fabrication - Ogden, UT

Metal Fabrication, Service Company

Manufacturer & Service Company Offering Stainless Steel Design & Fabrication Services

All Metals Fabricators, Inc. - Wilmington, DE

Manufacturing, Fabrication, Service Company

Manufacturer of precision, CNC machining service

All Metals Incorporated - Adrian, MI

Metallurgical

Steel service center.

All Metals Incorporated - Adrian, MI

Metallurgical

Distributor Of Steel, Aluminum, Stainless & Brass Products.

All Metals Processing Co. - Burbank, CA

Mining Company

Magnetic Inspection Service

All Metals Processing Co., Inc. - Stanton, CA

Metallurgical, Service Company

NADCAP certified metal finishing & inspection services. Finishing processes performed include anodizing, painting, dry film coating, powder coating & plating. Anodizing services such as chemical film treatment, chromic acid anodizing, sulfuric acid anodizing & hard anodizing are available. Non-destructive (NDT) testing services include magnetic particle inspection, penetrant testing, nitel etching, hardness testing, conductivity testing, cleaning & etching. Capabilities also include bead blasting, sand blasting, coating weight testing, copper sulfate testing, high humidity testing, masking, salt spray testing, & water immersion testing. Markets served include aerospace, military & defense.

All Metals Supply, Inc. - Oroville, CA

Metallurgical

Distributor Of Ferrous & Non-Ferrous Metals, Plastic & Ind. Hardware

**All Metal Fabricators, Inc. - Cleveland, OH**

10000 N. Mayfield Rd., Suite 100, Cleveland, OH 44135

**All Metals & Forge Group, LLC - Fairfield, NJ**

10000 N. Mayfield Rd., Suite 100, Cleveland, OH 44135

All Metals & Forge Group is your ISO9001:2008/AS9100 REV B/EN9100 Registered Forging Manufacturer and Steel Service Center. AMFG specializes in Specialty Steels, Alloy Steels, Carbon Steels, Aluminum Alloys, Stainless Steels (200,300,400,500 series), PH Grades, Nickel Alloys, Titanium Alloys, Tool Steels, and Super Alloys. All of the Discs, Shafts, Flanged Shafts, Long Shafts, Step Shafts, Cylinders ,Blind Cylinders, and Hubs (weight capacity approx. up to 75,000/44050mm in diameter).Blocks, the ability to forge and machine complex heavy forged parts for complex projects. Our Service Center division stocks the same alloy families as above in all bar shapes, sheet, strip and plate. The value added services include, cutting, laser cutting, heat treating, machining, rolling and welding. Our corporate goal is to have competitive prices, reliable deliveries and above all, a sales team that is helpful, courteous and professional to meet our client partners requirements.

**All Metals Machine & Tool - Macedonia, OH**

Custom Manufacturing, Sheet Metal Company

Machine Work Service

**All Metals Market East - Valley, NY**

Distributor

Distributor Of Steel Service Centers

**All Metals Service & Warehouse - Spartanburg, SC**

Klinele Company

metal Slitting Service

**All Metals Service & Warehousing - Cedartown, GA**

Olan Service, Service Company

Warehousing &amp; Steel Service Centers

**All-Metal Machine Specialties, Ltd. - Concord, ON**

Manufacturing

Drum Brake Shoes Only, I.M. Disc Brakes

**Southern All Metals Recycling, Inc. - Bay St Louis, MS**

Recycling Operation

Recycling Service

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**All Metals Fabricators & Millwright Service** - Elizabethton, TN  
 Manufacturer, General Contractor, General Contractor  
 CNC & Precision Machine Work, Welding Services

**All Metals Product Development By Engineered Shapes** - Garfield, NJ  
 Manufacturer, Precision Fabrication, Sheet Metal Work  
 Manufacturer Of Castings, Forgings; Machining & Assembly Service

**Hill Metal Corp.** - Fort Pierce, FL  
 Manufacturer, Metal Processor  
 Manufacturer Of Structural Steel, Distributor Of Iron & Steel Bars & Rods

**Randall Metals Corp.** - Salisbury, NC  
 Manufacturer, Precision Metal Fabricator  
 ISO 9001:2000 registered steel service center specializing in the processing of tight-tolerance, flat-rolled steel products for automotive, consumer & commercial markets. Cutting specifications include gauge thicknesses from 0.006 to 0.085, widths from 0.375 to 59.750, 1 to 30 cuts & tolerances of plus/minus 0.002. Materials include tin plate, tin coated sheet, cold rolled mild steel, hot rolled pickled & oiled mild steel, galvanized, stainless steel & electrical steel!

**Randall Metals Corp.** - East Chicago, IN  
 Manufacturer, Precision Metal Fabricator  
 ISO 9001:2000 registered steel service center specializing in the processing of tight-tolerance, flat-rolled steel products for automotive, consumer & commercial markets. Cutting specifications include gauge thicknesses from 0.006 to 0.085, widths from 0.375 to 59.750, 1 to 30 cuts & tolerances of plus/minus 0.002. Materials include tin plate, tin coated sheet, cold rolled mild steel, hot rolled pickled & oiled mild steel, galvanized, stainless steel & electrical steel!

**Ball Metal Container Corp.** - Conroe, TX  
 Manufacturer, Canning  
 Manufacturer Of Aluminum Cans

**Ball Metal Container Corp.** - Kent, WA  
 Manufacturer  
 Manufacturer Of Aluminum

**Marshall Metal Products, Inc.** - Marshall, MI  
 Distribution, Manufacturer, Custom Fabricator  
 Manufacture Small & Medium Custom Metal Stamping In Low & High Carbon Steel, Stainless Steel, Aluminum & Brass. Presses Range From 10 To 250 Tons. Also Produce Bright Zinc Plated, Unplated, Low-Carbon Stainless Steel, All-Purpose Tube Clamps For 1/8" To 7/8" OD Single & Multiple Tube Lines. Prototypes, Welding & Assembly Available. Serve Variety Of Industries Including Recreation Vehicles & Equipment, Brakes & Trailer Controls, OEM Engine Component, Automotive, Home Appliances, & Industrial Equipment

**Randall Metals Corporation** - Elk Grove Village, IL  
 Manufacturer, Precision Metal Fabricator, Sheet Metal Work  
 ISO 9001:2000 registered steel service center specializing in the processing of tight-tolerance, flat-rolled steel products for automotive, consumer & commercial markets. Cutting specifications include gauge thicknesses from 0.006 to 0.085, widths from 0.375 to 59.750, 1 to 30 cuts & tolerances of plus/minus 0.002. Materials include tin plate, tin coated sheet, cold rolled mild steel, hot rolled pickled & oiled mild steel, galvanized, stainless steel & electrical steel!

**Skyball Metal Craft, Inc.** - Los Angeles, CA  
 Manufacturer, Custom Metal Fabricator  
 Manufacturer Of Steel Fabrications

**Bell Metal Beverage Container** - Torrance, CA  
 Manufacturer  
 Manufacturer of aluminum cans.

**Bell Metal Beverage Container** - Milwaukee, WI  
 Manufacturer  
 Manufacturer of aluminum cans.

**Bell Metal Container Group** - Fairfield, CA  
 Manufacturer  
 Manufacturing Of Aluminum Cans

**Certified Weldall Metals Propeller & Mfg. Ltd.** - Edmonton, AB  
 Custom Manufacturer

**Sun Air Div., Stegall Metal Industries** - Birmingham, AL  
 Manufacturer  
 Commercial Kitchen Hood & Ventilation Systems, Power Ventilators

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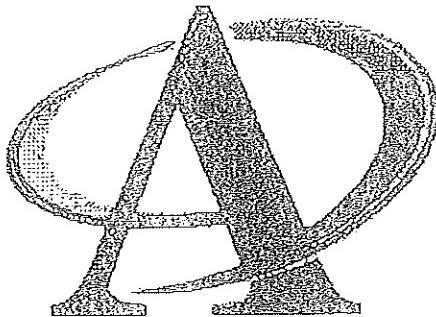
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Reg. No. 4,111,084

ALL METAL SALES, INC. (OHIO CORPORATION)  
29260 CLEMENTS ROAD

Registered Mar. 13, 2012

WESTLAKE, OH 44145

Int. Cls.: 6 and 40

FOR: NON-STANDARD AND CUSTOM-MADE ITEMS MADE FROM HIGHLY SPECIALIZED NON-STANDARD METAL MATERIAL, NAMELY, METAL IN THE FORM OF FLAT BARS, HOLLOW BARS, RECTANGULAR BARS, ROUND BARS, HEXAGON BARS, SQUARE BARS, HALF ROUND BARS, COILS, PLATES, TUBES, SHEETS, STRIPS, PIPES, STRUCTURAL BEAMS, WIRE, FOIL, STRIPS, STRUCTURAL CHANNELS, STRUCTURAL TEES, STRUCTURAL ANGLES, STRUCTURAL RAILS, RINGS, AND CUSTOMER-SPECIFIED SHAPES, ALL FOR FURTHER MANUFACTURE; METAL BOLTS; METAL SCREWS; AND METAL SHIM STOCK, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

TRADEMARK

FIRST USE 9-30-1999, IN COMMERCE 9-30-1999.

SERVICE MARK

FOR: MANUFACTURING TO THE ORDER AND SPECIFICATION OF OTHERS OF NON-STANDARD AND CUSTOM-MADE ITEMS MADE FROM HIGHLY SPECIALIZED NON-STANDARD METAL MATERIAL, NAMELY, METAL IN THE FORM OF FLAT BARS, HOLLOW BARS, RECTANGULAR BARS, ROUND BARS, HEXAGON BARS, SQUARE BARS, HALF ROUND BARS, COILS, PLATES, TUBES, SHEETS, STRIPS, PIPES, STRUCTURAL BEAMS, WIRE, FOIL, STRIPS, STRUCTURAL CHANNELS, STRUCTURAL TEES, STRUCTURAL ANGLES, STRUCTURAL RAILS, RINGS, AND CUSTOMER-SPECIFIED SHAPES, ALL FOR FURTHER MANUFACTURE; METAL BOLTS; METAL SCREWS; AND METAL SHIM STOCK, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

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THE STIPPLING IS FOR SHADING PURPOSES ONLY.

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SER. NO. 85-243,578, FILED 2-16-2011.

*David J. Kappas*

ANDREW RHOM, EXAMINING ATTORNEY

Director of the United States Patent and Trademark Office

